

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C 10-1123 MHP

ANA ARIAS, et al.,
Plaintiff(s),

vs.

CAPITAL ONE, N.A., et al.,
Defendant(s).

**ORDER DISMISSING
ACTION**

On March 4, 2011 this court issued a Memorandum and Order dismissing the first amended complaint as to defendant Capital One, N.A. with prejudice. The record reflected at that time that the other defendants had not been served, and still so reflects as of the date of this order, and the court included in the Order a further order that plaintiff advise the court within ten days as to whether any other defendants had been served. If so, the court instructed plaintiff to move for entry of default as to the served defendants; if not, the court stated that the claims against the remaining defendants would be dismissed, the time for service having long since expired under Federal Rule of Civil Procedure 4.

As of the date of this order plaintiff has not responded. Therefore, the claims against the remaining defendants are DISMISSED with prejudice for failure to prosecute and for failure to serve process within the time required under Rule 4.

Judgment will be entered accordingly and the Clerk of Court shall close the file.

Date: May 12, 2011


MARILYN HALL PATEL
United States District Court Judge